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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/684,396 | 10/15/2003 | Simon James Joyce | 1444.1001C3 | 4432 |
| 21171 | 7590 | 03/25/2005 | EXAMINER | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | TRAN, QUOC DUC | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2643 | |

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,396

Applicant(s)

JOYCE ET AL.

Examiner

Quoc D Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>see office action</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 10/15/2003; 11/24/2003 and 6/29/2004 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The full name of each inventor (family name and at least one given name together with any initial) has not been set forth.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Lesley (6,188,752).

Consider claim 1, Lesley et al teach a method of crediting an account of a user having an account, comprising: sending a request message to the user at a receiver that the account needs additional funds (col. 8 lines 42-46); receiving a response message from the user using the

receiver requesting additional funds be added to the account in accordance with the request message (col. 8 lines 55-60); authenticating at a platform, using a password and a number unique to the user, that the user is associated with the account and identifying another account from which the additional funds are to be drawn (col. 6 line 60 – col. 7 lines 13); and if the user is associated with the account, obtaining the additional funds from the another account to be added to the account (col. 9 line 31 – col. 10 line 22).

Consider claim 2, Lesley teaches wherein the receiver is a wireless phone (col. 4 lines 31-42).

Consider claim 3, Lesley teaches wherein the receiving the response message includes receiving in the response message another number that is usable to obtain the additional funds from the another account (col. 9 lines 7-30).

Consider claim 4, Lesley teaches authenticating at the platform, using the password, the number unique to the user, and the another number, that the user is associated with the account and identifying the another account from which the additional funds are to be drawn (col. 6 line 60 – col. 7 lines 13).

Consider claim 5, Lesley teaches the method further comprising establishing an identification of the user using the password and the number unique to the user (col. 6 line 60 – col. 7 lines 13).

Consider claim 6, Lesley teaches wherein the sending the request message comprises sending the request message to the user at the receiver according to a stored record identifying the receiver associated with the user (col. 9 lines 7-30).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley (6,188,752) in view of Taskett (5,991,748).

Consider claim 7, Lesley teaches a method of crediting an account of a user having an account, comprising: sending a request message to the user at a receiver that the account needs additional funds (col. 8 lines 42-46); receiving a response message from the user sent from the receiver and including a number associated with the user (col. 8 lines 55-60); and receiving the additional funds obtained from the another account to be added to the account (col. 9 line 31 – col. 10 line 22).

Lesley did not clearly disclose sending a request from a first platform to a second platform to obtain the additional funds from another account associated with the user and disposed on the second platform. However, Taskett suggested such (col. 5 lines 29-51; col. 6 lines 18-35).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Taskett into view of Lesley in order to obtain authorization for the fund transferring transactions.

Consider claim 8, as discussed above, Lesley teaches the method further comprising authenticating at the first platform that the user is associated with the account, wherein the

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sending the request from the first platform to the second platform occurs if it is authenticated that the user is associated with the account (col. 9 lines 7-30).

Consider claim 9, Taskett teaches the method further comprising establishing at the first platform an identification number associated with the user, wherein the authenticating the user comprises authenticating the user using the established identification number (col. 4 lines 35-50).

Consider claim 10, Lesley teaches a method of crediting an account of a user having an account, comprising: receiving at a first platform an identification number and a password using a receiver (col. 8 lines 55-60); authenticating the user at the first platform using the identification number and the password (col. 6 line 60 – col. 7 lines 13); sending a message to the user at the receiver indicating that the account needs additional funds (col. 8 lines 42-46); if the user is authenticated and if the user has responded to a message indicating that the account needs additional funds, and adding the additional funds from the determined another account to the account (col. 9 line 31 – col. 10 line 22).

Lesley did not clearly disclose determining another account on another platform from which the additional funds are to be obtained to be included in the account. However, Taskett suggested such (col. 5 lines 29-51; col. 6 lines 18-35).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Taskett into view of Lesley in order to obtain authorization for the fund transferring transactions.

Consider claim 11, Lesley teaches a system for use in crediting a crediting an account of a user using another account not on the system, the system comprising: a storage device including a first user account (col. 6 lines 60-64); a first platform unit which receives a first

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unique number from a user sent from a receiver disposed outside of the system, sends the first unique number to a second platform unit for use in verification of the user (col. 7 lines 9-25), establishes a connection with the user at the receiver to provide a request message indicating that a first user account associated with the user has an amount below a predetermined value (col. 8 lines 42-46), and receives a response message from the user in response to the request message and including a second unique number for use in adding an amount to the first user account (col. 8 lines 55 – col. 9 line 30); and receives a replenishment amount from the another account that is added to the first user account (col. 9 line 31 – col. 10 line 22).

Lesley did not disclose a second platform unit which receives the first unique number to authenticate that the user is associated with the user account, wherein if the second platform unit authenticates the user using the first unique number and the first platform unit receives the second unique number in the response message, one of the first and second platform units sends: a replenishment message outside of the system to another account associated with the user and disposed on a platform external to the system. However, Taskett suggested such (col. 5 lines 29-51; col. 6 lines 18-35).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Taskett into view of Lesley in order to obtain authorization for the fund transferring transactions.

Consider claim 12, Lesley teaches wherein the one of the first and second platform units further determines, using the received first and/or second unique numbers, the another account from which the replenishment amount is to be received (col. 9 lines 7-30).

Consider claim 13, Lesley teaches a platform which changes amounts in accounts associated with users, the platform comprising: an interface that receives, from a plurality of external networks of different types (Fig. 1), a requesting message from a user at a receiver disposed outside of the platform requesting an increase in an amount stored in an account associated with the user (col. 8 lines 1-10); a verification module that authenticates that the user is associated with the account so as to allow an increase or a decrease in the amount in the account (col. 8 lines 45); and a processor that, if the user is authenticated as being associated with the account, determines another account associated with the user according to the requesting message (col. 6 line 60 – col. 7 lines 13).

Lesley did not disclose sending a top up request outside of the platform to the determined another account to obtain an additional amount to top up the account, and, if the additional amount is received from the another account, allows topping up the account using the additional amount, wherein the platform is outside of the plurality of external networks of different types, and the account being topped up is stored on a billing platform other than another platform on which the another account is stored. However, Taskett suggested such (col. 5 lines 29-51; col. 6 lines 18-35).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Taskett into view of Lesley in order to obtain authorization for the fund transferring transactions.

Consider claim 14, Lesley teaches wherein the verification module uses a password sent from the user at the receiver to verify that the user is associated with the account (col. 9 lines 7-30).

Consider claim 15, Lesley teaches a platform which provides communication services and changes amounts in accounts associated with users, the platform comprising: an interface through which a top up message and a requesting message are transmitted with respect to a user using a receiver disposed outside of the platform (Fig. 1); a storage unit which stores an account value associated with the user (col. 6 lines 60-64); and a processor which performs billing of the account associated with the user for a communication service and/or transaction provided to the user, determines if the account has an amount below a predetermined amount, establishes a connection to the receiver to send the requesting message to the user at the receiver to request top up of the account such that the amount in the account is at or above the predetermined level (col. 8 lines 25-46), and receives the response message from the user requesting top up of the account, wherein if the user is authenticated as being associated with the account, the platform receives an additional amount from an another account associated with the user in accordance with the requesting message and tops up the account using the additional amount (col. 8 lines 55 – col. 9 line 30).

Lesley did not disclose wherein the another account is stored on a platform other than the platform having the storage unit. However, Taskett suggested such (col. 5 lines 29-51; col. 6 lines 18-35).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Taskett into view of Lesley in order to obtain authorization for the fund transferring transactions.

Consider claim 16, Lesley teaches wherein the processor further receives from the user a password unique to the user for use in verification, and provides the received password to a

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verification module for use in authenticated that the user is associated with the account (col. 9 lines 7-30).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(703) 872-9306

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(703) 306-5643 until 3/24/2005 and (571) 272-7511 after 3/24/2005**. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(703) 305-4708 until 3/24/2005 and (571) 272-7499 after 3/24/2005**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

QUOCTRAN

PRIMARY EXAMINER

AU 2643

March 18, 2005